



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 8512-98  
14 December 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the characterization of his discharge be changed.

2. The Board, consisting of Messrs. Bishop, Dunn, and Silberman, reviewed Petitioner's allegations of error and injustice on 7 December 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 12 May 1942 at the age of 21.

d. Petitioner served for nearly a year without disciplinary incident but on 19 March 1943 he was convicted by deck court (DC) of assault and sentenced to a \$10 forfeiture.

e. On 31 December 1943 Petitioner was promoted to the rank of private first class and less than a year later, on 2 October 1944, he was promoted to the rank of corporal.

f. On 12 October 1945, after undergoing a medical examination, Petitioner was diagnosed with psycho-neurosis which rendered him unable to adjust to any further demands of the service. At this time he was recommended for an administrative discharge due to unfitness and/or unsuitability. The evaluation report indicated that Petitioner had served in combat.

g. Subsequently, the foregoing recommendation was approved and on 5 November 1945 Petitioner was issued a general discharge by reason of convenience of the government due to unfitness.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board's finding is based, in part, on Petitioner's length of service, record of promotion, and combat service.

The Board initially notes the fairly minor nature of Petitioner's infraction and does not condone his misconduct. However, the Board also notes that the DC of 19 March 1943 was Petitioner's one and only offense during his more than three years of otherwise satisfactory service. In this regard, Petitioner served in combat and was advanced in rank to corporal.

Based on the foregoing the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to a fully honorable discharge is appropriate. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 5 November 1945 vice issued the general discharge under honorable conditions on the same day.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 7 December 1998.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER  
Executive Director